

7 FAM 1870 PRIVATE U.S. CITIZEN FATALITIES DURING A DISASTER

*(CT:CON-407; 06-29-2012)
(Office of Origin: CA/OCS/L)*

7 FAM 1871 THE ROLE OF THE CONSULAR OFFICER

(CT:CON-142; 07-26-2006)

- a. Disasters or international crisis incidents generally exact a toll in deaths, often in large numbers. Bodies must be recovered, identified, cause of death certified, and remains released to claimants for final disposition. This requires specialized personnel such as coroners, forensic experts, and undertakers. Your role generally revolves around facilitating the work of these specialists, assisting in identification, issuing the necessary documentation, dealing with the families of U.S. citizen/nationals victims, tracking the process and keeping the Department updated.
- b. There is no uniform protocol regarding identification of fatalities during a crisis or disaster. In each crisis or disaster it is necessary to assess local resources and report on the course of action determined by local authorities.
- c. 12 FAH-1 Annex I, Addendum 1 provides a checklist of initial considerations.
- d. This subchapter, 7 FAM 1870, provides background guidance, including information about DNA (**Deoxyribonucleic acid**) identification.
- e. 7 FAM 200 provides general guidance on Deaths and Estates.

7 FAM 1872 RECOVERY OF REMAINS

(CT:CON-142; 07-26-2006)

As a general rule, the host government should remove remains from the incident area to a permanent or temporary morgue facility as soon as possible. However, you should play as active a role as is reasonable and necessary to ensure this is done promptly and correctly.

7 FAM 1872.1 Delays in Recovering or Removing Remains

(CT:CON-142; 07-26-2006)

At times, some delay may be necessary because the exact location of victims may play a critical role in identification. Circumstances (weather, topography, location) may also force a delay in removing remains from the site. If either of these circumstances occurs, you should:

- (1) Ensure to the extent possible that the site is secured to prevent looting;
- (2) Remind local officials that personal papers and jewelry are not just an important part of the deceased's estate, but often key to identification, and sometimes important as evidence;
- (3) Try to have local officials appropriately shield the site from the media;
- (4) Keep the Embassy Task Force and the Department updated on progress and possible timetables; and
- (5) Be prepared to explain the delay to any survivors or family and friends at or near the disaster site.

7 FAM 1873 IDENTIFICATION OF REMAINS

7 FAM 1873.1 Determine the Process

(CT:CON-142; 07-26-2006)

As soon as possible, ask local authorities to outline the procedures they plan to use for identification examination of bodies and storage and shipment of remains. Relay this information to the Department (CA/OCS/ACS).

- (1) Discourage to the extent possible reliance on imperfect or guesswork methods of identification (i.e. seating charts, personal effects, photographs).

Note: If necessary, emphasize that resisting pressure from families for rapid identification is preferable to the later emotional and political damage that misidentification can cause.

- (2) After clearing with the Department and Mission, offer assistance in the form of a U.S. forensic team. This requires a formal request from the Chief of Mission (COM) to the Department.

7 FAM 1873.2 Identification Through Documents

(CT:CON-142; 07-26-2006)

At times, remains can be identified based on documents found on or near the person. However, this should normally be considered only a preliminary identification, to be confirmed later through more definitive evidence. When evaluating identifications made through documents, consider the following:

- (1) The primary document should have a clear, recent photograph of the bearer, and/or a physical description;
- (2) Documents should be recent;
- (3) The condition of the remains should be conducive to photo-matching; and
- (4) The document's location when found is important. Documents found on the person (e.g. a wallet) generally have more credibility than those found nearby (in a purse or briefcase, for example).

7 FAM 1873.3 Identification By Relative Or Friend

(CT:CON-142; 07-26-2006)

While often the most reliable form of identification, it is extremely emotional and difficult for the identifier, and often very stressful for the consular officer. If you are directly involved in this process, consider the following guidelines:

- (1) Whenever possible this should be a confirmation of identity - following a preliminary identification - to avoid the identifier having to look at more than one corpse;
- (2) To the extent possible, ensure that the identifier is basing his or her identification on an adequate look at the deceased's facial features;
- (3) Try to elicit exactly what the individual is using to verify identity. (E.g.: "I recognize him." is more reliable than "That looks like his watch");
- (4) If local officials have set up a temporary morgue, encourage them to establish a separate viewing area, isolating the identifier and the remains from the rest of the morgue, particularly if autopsies or forensic examinations are also taking place; and
- (5) If the technology is available, using a video camera or digital still camera can alleviate some of the emotional pain of the identification process.

7 FAM 1873.4 Identification Through Forensic

Examination

(CT:CON-142; 07-26-2006)

Often the nature of the disaster and the condition of the remains will necessitate identification by forensic specialists. In these cases, often your role is to obtain the necessary forensic data from the families of U.S. citizen victims.

7 FAM 1873.4-1 Dental Records

(CT:CON-142; 07-26-2006)

- a. Explain to family members, or to the dentist in the U.S., that **dental charts** are preferable, at least initially, to **dental x-rays**, since the former can be faxed, while the latter cannot.
- b. If the identification process appears likely to be several days, have dental x-rays sent via overseas courier, or by the airline if this is an aviation disaster.

7 FAM 1873.4-2 Fingerprints

(CT:CON-142; 07-26-2006)

- a. Few families will actually have fingerprint records, but they can often identify possible sources, including:
 1. Prior military service – Generally need the branch of service, serial number, and approximate dates of active duty. Local military recruiter or the personnel office at the nearest military establishment can often assist;
 2. Employment with Federal, state or local government that may have required a background check or security clearance;

Note: If the FBI (Federal Bureau of Investigation) is part of any forensic team assisting in identification, they will have direct access to Federal fingerprint records.

3. Private firm requiring background checks for employment; and
 4. Local police may have fingerprints on file for one reason or another.
- b. Younger families may have fingerprint records of minor children, taken through local law enforcement identification programs.

Note: The Department (CA/OCS/ACS OR Task Force 2) stands ready to assist families in gathering fingerprints or other forensic data. However, experience has shown that family members can often get faster results from

local sources.

7 FAM 1873.4-3 Medical Records or History

(CT:CON-142; 07-26-2006)

- a. Family members who know the victim well can often provide significant identifiers such as:
 1. Surgical scars;
 2. Bone fractures;
 3. Amputations; and
 4. Implants or bone/joint replacements.
- b. Since memory for exact detail fades over time, and often under stress, encourage family members to have the individual's physician confirm medical histories as soon as possible.

7 FAM 1873.4-4 Physical Identifiers

(CT:CON-142; 07-26-2006)

Ask the family for exact descriptions, photo, or digital records (if available) of the described items (pictures of arm with the tattoo, picture of the wedding band or ring, clothing, etc.):

- (1) Any tattoos;
- (2) Birthmarks;
- (3) Jewelry always or almost always worn by victim;
- (4) Any medicines or medical equipment the victim habitually carries on his or her person (heart medicine, asthma inhalers, diabetes testers, etc.); and
- (5) Clothing they believe the victim was wearing, including sizes, brand and store label, if know.

7 FAM 1873.5 DeoxyriboNucleic Acid (DNA) Identification

7 FAM 1873.5-1 Types of DNA

(CT:CON-142; 07-26-2006)

There are two types of DNA. Both kinds can be used for identification, and both have certain drawbacks:

- (1) **Nuclear DNA:** This is inherited from both parents. Half from each parent.
 - (a) Each person's nuclear DNA is unique, except for identical twins.
 - (b) nuclear DNA is easily damaged and rendered unusable by extreme heat and other conditions.
- (2) **Mitochondrial DNA:** This is inherited only from the mother. Fathers never pass Mitochondrial DNA on to their children.
 - (a) Mitochondrial DNA is usually the easiest to test, particularly on very small or damaged DNA samples.
 - (b) Mitochondrial DNA is not always unique. Statistically, two unrelated persons could have the same Mitochondrial DNA

7 FAM 1873.5-2 Direct DNA Comparison

(CT:CON-142; 07-26-2006)

This means comparing DNA evidence from the remains directly with DNA known to be that of the suspected victim. Sources for the latter DNA can include:

- (1) **Previously taken DNA sample:** (Certain companies and agencies (e.g. US Military) now sample and bank DNA "prints" of employees)
- (2) **Existing medical specimens:** Ask family members if the victim recently had surgery or blood work done. A specimen may be available from the hospital or local lab, and could include:
 - (a) Bone marrow donor sample;
 - (b) Biopsy sample; and
 - (c) Newborn screen bloodspot.
- (3) **Useable source of DNA:** Certain items that are uniquely identified with the victim can be very useful, although not as valuable to testers as the medical specimens mentioned above. Potential sources that families may be able to provide include:
 - (a) The victims' hairbrush – loose hairs can be analyzed for DNA;
 - (b) The victim's toothbrush - Saliva can be analyzed; and
 - (c) Baby teeth: Preserving children's baby teeth is a ritual in many families, and can be an excellent resource for analyzing DNA.

7 FAM 1873.5-3 Family DNA

(CT:CON-142; 07-26-2006)

While not an exact match, DNA samples from blood relatives can often provide enough information for identification.

- (1) Most reliable family members;
 - (a) Biological parents of victim;
 - (b) Children of victim; and
 - (c) Brother or sister of victim.
- (2) Less reliable but useable family members: DNA from the following can be used, but it is more difficult to test and match.
 - (a) Maternal aunts;
 - (b) Maternal uncles;
 - (c) Maternal cousins;
 - (d) Half sisters (Preferably on the mother's side); and
 - (e) Half brothers (Preferably on the mother's side).

7 FAM 1873.6 U.S. Forensic Teams

(CT:CON-142; 07-26-2006)

The Chief of Mission (COM) may request the U. S. Government's assistance in the form of military or federal forensic specialists to assist in the identification of remains. At the invitation of the host government, these teams will enter the country to assist local officials in identifying remains and determining cause of death.

- (1) Possible sources of assistance include:
 - (a) The Armed Forces Institute of Technology;
 - (b) Department of Oral and Maxillofacial Pathology, Walter Reed Army Medical Center;
 - (c) Federal Bureau of Investigation Disaster Squad (Normally fingerprint identifications only); and
 - (d) FEMA Disaster Mortuary Operation Response Team (DMORT). To date they have been deployed only within the United States.
- (2) You should contact the department (CA/OCS/ACS or Task Force II) as soon as you determine a possible need for this type of forensic assistance. The Department will guide you through the major steps involved:
 - (a) Formal request from chief of mission;

- (b) Formal offer to host government, and acceptance;
- (c) Arranging logistics – itinerary, what the team will bring with them, and what they will need provided on site; and
- (d) Assisting entry, communications and departure.

7 FAM 1874 NOTIFYING NEXT-OF KIN (NOK)

(CT:CON-142; 07-26-2006)

The Department and the Embassy should immediately share any information learned about the NOK. Locating and contacting NOK is a top priority. 7 FAM 200 provides guidance on how to conduct a death notification.

7 FAM 1874.1 Interim Notification

(CT:CON-142; 07-26-2006)

If it appears that the positive identification process will take some time, but it appears that there were no survivors at a specific location, the American Citizens Services (ACS) crisis management experts in the Department will work with the post to determine when it is appropriate to provide an interim notification of the possible death of a U.S. citizen. **Do not take this step without specific guidance from the CA/OCS Duty Director, the Director of CA/OCS/ACS, the Managing Director of CA/OCS or the Deputy Assistant Secretary for CA/OCS.** Draw upon the following points in making any interim notification and see 7 FAM 200:

- (1) Indicate briefly the reasons for believing their relative was killed in the disaster;
- (2) Identify the host government or official ultimately responsible for identification of remains;
- (3) Stress that remains have not yet been recovered or identified;
- (4) Briefly outline the steps that local officials will be taking, and assure them that further information will be forthcoming;
- (5) Describe any identifying information or material they can provide that might be useful in identifying the remains; and
- (6) To the extent you can, indicate whether it is likely that all remains will be recovered and/or identified, and a possible timeline.

7 FAM 1874.2 Final Notification Of Death

(CT:CON-142; 07-26-2006)

Once the remains have been positively identified, notify the next of kin

(NOK) by telephone, then prepare and send a formal Notification of Death Letter, preferably by fax. (See 7 FAM 224).

- (1) Include how the identification was made;
- (2) Outline steps to be taken to repatriate remains;
- (3) Provide information regarding legal documents:
 - (a) Local Death Certificate,
 - (b) Consular Report of Death, and
 - (c) Consular Mortuary Certificate
- (4) Provide points of contact for Embassy and Department Task Force; and
- (5) Open and close with appropriate expressions of sympathy.

7 FAM 1874.3 Missing And Presumed Dead

(CT:CON-142; 07-26-2006)

Often you will know of the existence of a victim, through passenger manifest, inquiries from family, etc, but cannot match this with identified remains. Generally, this number will decrease as remains are identified, but some cases may remain.

- (1) Provide the Department with as much information as you have garnered about the missing victims;
- (2) During your communications with family members, be informative and factual. Avoid telling them whether or not you believe the remains will be recovered / identified, but instead provide them with the circumstances facing recovery teams and let them draw their own conclusions; and
- (3) Sometimes a victim is missing because of a wrong identification. In these cases:
 - (a) Obtain the necessary identifying information and documents from the family or others;
 - (b) Press the forensic specialists to revisit cases where the identifying characteristics seem similar; and
 - (c) If DNA identification is possible, but not yet being used, request it in specific cases.
- (4) See 7 FAM 200 regarding issuance of Consular Reports of Presumptive Death.

7 FAM 1874.4 Unidentified Remains

(CT:CON-142; 07-26-2006)

With DNA and related forensic technology steadily improving, unidentified remains should become the exception in most disasters. However, if you are faced with this:

- (1) Determine local authorities' plans to dispose of unidentified remains (including partial remains). Local law, religion, and health may all factor into this decision, and unidentified remains may be cremated or consigned to a common grave, sometimes within a very short period;
- (2) Explain to family members as best you can the host government's decision, actions, and reasons for it. Often there will be an effort to gain the agreement of all affected NOK in these circumstances;
- (3) Determine what form of Death Certificates the host government is willing to issue in these cases; and
 - (a) If they are willing to issue a presumptive death certificate, you should follow with a Consular Report of Presumptive Death Abroad (See 7 FAM 235); and
 - (b) If they are unwilling to issue a presumptive death certificate, you should consult with the Department (CA/OCS/ACS or the Task Force) as soon as possible.
- (4) Urge local authorities to maintain records on unidentified remains that are buried / cremated.

7 FAM 1875 RETURN OF REMAINS

(CT:CON-142; 07-26-2006)

The general instructions regarding preparation and shipment of remains may be found at 7 FAM 244.1. There are, however, some additional points to consider in a disaster situation.

7 FAM 1875.1 Transportation Company Responsibilities

(CT:CON-142; 07-26-2006)

- a. In transportation or commercial disasters, particularly aviation accidents, the company involved will generally arrange for transportation of remains to the place of final interment. (See 7 FAM 1830.)
- b. While not directly involved, you should keep close track of the status of each U.S. citizen death case, track the shipping arrangements, and communicate them in advance to the Department (TASK FORCE TWO).

The Department in turn will make certain the families are properly notified.

7 FAM 1875.2 Consular Officer Responsibilities

(CT:CON-142; 07-26-2006)

- a. If the post is directly involved in the shipment of remains, the general procedures outlined in 7 FAM 200 apply.

Note: Sometimes, even though the post is arranging for shipment, the host government or some private entity has agreed to pay the expenses involved. You should facilitate agreements between the paying entity and the mortuary and transportation companies, but do not make any commitments that might be perceived as a guarantee of payment by the United States.

- b. Regardless of method of shipment, you are still responsible for issuing the appropriate mortuary certificates, and affixing the local death certificates, undertaker's affidavit, transit permit, and related documents as applicable.
- c. While issuance of the Consular Report of Death Abroad may be delayed pending issuance of a local Death Certificate, remember that this document may be critical to the family for estate and insurance purposes, and ultimate issuance of a Report of Death should remain a top priority.

7 FAM 1876 THROUGH 1879 UNASSIGNED